

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MARK CHANGIZI, *et al.*,**

**Plaintiffs,**

**v.**

**DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, *et al.***

**Defendants.**

**Case No. 2:22-cv-1776**

**JUDGE EDMUND A. SARGUS, JR.**

**Magistrate Judge Chelsey M. Vascura**

**ORDER**

This matter arises on Plaintiff Mark Changizi, Daniel Kotzin, and Michael Senger's (collectively, "Plaintiffs") Motion to File an Amended Complaint (the "Motion to Amend"). (ECF No. 40.)

On May 5, 2022, this Court, among other things, dismissed Plaintiffs' complaint for lack of subject-matter jurisdiction and, alternatively, for failure to state a claim upon which relief can be granted. (Op. & Order, ECF No. 37.) More than a month has passed since then. Plaintiffs now seek to amend their initial complaint by adding: (1) a new plaintiff; (2) several new defendants (including the President of the United States); and (3) additional information "which Plaintiffs did not know and could not have known when the original complaint was filed." (ECF No. 40.)

"Following entry of final judgment, a party may not seek to amend their complaint without first moving to alter, set aside or vacate judgment pursuant to either Rule 59 or Rule 60 of the Federal Rules of Civil Procedure." *In re Ferro Corp. Derivative Litig.*, 511 F.3d 611, 624 (6th Cir. 2008) (quoting *Morse v. McWhorter*, 290 F.3d 795, 799 (6th Cir. 2002)). As more than twenty-eight days have passed since this Court's entry of final judgment, Plaintiffs may no longer avail

themselves of Rule 59. *See* Fed. R. Civ. P. 59(e). They are, however, free to move for relief under Rule 60. *See* Fed. R. Civ. P. 60(c)(1) (requiring a motion for relief from a final judgment, order, or proceeding to be filed “within a reasonable time”). Only after prevailing on such a motion would Plaintiffs be able to amend their complaint.

Accordingly, Plaintiffs’ Motion to Amend is **DENIED WITHOUT PREJUDICE**. (ECF No. 40.)

This case shall remain closed.

**IT IS SO ORDERED.**

6/20/2022  
DATE

s/Edmund A. Sargus, Jr.  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**